

MEMORANDUM OF UNDERSTANDING

AMONG THE

**U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL OCEAN SERVICE
NATIONAL MARINE SANCTUARY PROGRAM**

AND THE

**U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY**

**FOR THE PURPOSE OF
IMPROVING AND PROMOTING ENERGY EFFICIENCY AT
NATIONAL MARINE SANCTUARIES**

NOS Agreement Code: MOA-2008-XXX/7633

I. PARTIES AND PURPOSE

- A. This Memorandum of Understanding (MOU) is among the U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), through the National Marine Sanctuary Program (NMSP) and the U.S. Department of Energy (DOE), through the Office of Energy Efficiency and Renewable Energy (EERE).
- B. This MOU is to establish a working relationship between DOC and DOE with the intent of improving energy efficiency at NMSP facilities and assisting EERE's energy efficiency outreach efforts.

II. BACKGROUND

- A. NMSP has made efforts to "green" the program as part of its *Blue Seas, Green Communities* initiative. The initiative seeks to protect sanctuary resources and expand stewardship efforts for all Americans by contributing to the environmental quality of its sanctuary communities and developing activities to improve NMSP staff members' energy efficiency.
- B. EERE works to strengthen America's energy security, environmental quality, and economic vitality in public-private partnerships that:
 - Enhance energy efficiency and productivity;
 - Bring clean, reliable and affordable energy technologies to the marketplace; and
 - Make a difference in the everyday lives of Americans by enhancing their energy choices and their quality of life.
- C. As the largest energy consumer in the United States, the Federal Government has an opportunity to lead by example with smart energy management. By promoting energy efficiency and the use of renewable energy resources at Federal sites, EERE's Federal Energy Management Program helps agencies save energy, save taxpayer dollars, and demonstrate leadership with responsible, cleaner energy choices.

III. AUTHORITIES

- A. The legal authority for NMSP to enter into this Agreement is the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1442(e), which allows the Secretary Commerce, whenever appropriate, to enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of the NMSA.
- B. The programmatic authority for NMSP to enter into this Agreement is the NMSA, 16 U.S.C. 1431 *et seq.*
- C. The Department of Energy enters into this MOU under the authority of section 646 of the Department of Energy Organization Act (Pub. L. 95-91, as amended; 42 U.S.C. § 7256).

IV. TERMS AND CONDITIONS

- A. NMSP and EERE intend to work together for the improvement of energy efficiency at NMSP facilities and for the promotion of these successes to the communities in which they are located.
- B. NMSP, when reasonably practical and in its sole discretion, intends to:
 - 1. Seek input from EERE to identify potential energy-saving activities at the sanctuary sites and headquarters;
 - 2. Implement, whenever cost-effective and practical, activities to reduce energy consumption at the sanctuary sites and headquarters;
 - 3. Continue its *Blue Seas, Green Communities* greening initiative at sanctuary sites and headquarters;
 - 4. Work with its Sanctuary Advisory Councils to provide a nexus to enhance EERE outreach efforts in sanctuary site communities.
- C. EERE, when reasonably practical and in its sole discretion, intends to:
 - 1. Facilitate the commencement of energy audits by a qualified private sector energy services company at NMSP facilities including Key West, Florida; Scituate, Massachusetts; and Maui, Hawaii to determine the current energy-efficiency of each facility and to identify potential activities to

increase their energy-efficiency;

2. Assist in identifying technologies that can increase energy efficiency at NMSP sanctuary sites;
3. Work with NMSP at sites it leases to include these facilities in the NMSP's energy-saving efforts, as appropriate.

V. CONTACTS

- A. The points of contact for activities under this Agreement are:

NMSP

Ted Lillestolen
Deputy Director for Facilities,
Safety, Vessels, and Aircraft
1305 East West Highway
SSMC4, N/ORM6
Silver Spring, Maryland 20910
301.713.3125 x253 (p)
Ted.Lillestolen@noaa.gov

EERE

Brad Gustafson
Federal Energy Management Program
1000 Independence Avenue, SW
Washington, DC 20585
202.586.5865
Brad.Gustafson@hq.doe.gov

- B. The Parties agree that if there is a change regarding the information in this section, the Party making the change will notify the other Party in writing of such change.

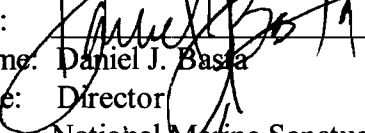
VI. OTHER PROVISIONS

- A. This MOU is strictly for internal management purposes for each of the parties. It is not legally enforceable and shall not be construed to create any legal obligation on the part of either party. This MOU shall not be construed to provide a private right or cause of action for or by any person or entity.
- B. This MOU will expire on December 31, 2012, and can be terminated by either party at any time by providing notice in writing to the other party.
- C. This MOU in no way restricts either of the parties from participating in any activity with other public or private agencies, organizations or individuals.
- D. This MOU is neither a fiscal nor a funds obligation document. Nothing in this MOU authorizes or is intended to obligate the parties to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.

- E. If the Parties disagree over how to interpret this MOU, they shall present their differences to each other in writing, and they shall discuss them. If the Parties fail to resolve their differences within thirty (30) days, they may refer the matter to higher level of authority within their respective organizations.
- F. All agreements herein are subject to, and will be carried out in compliance with all applicable laws, regulations, and legal requirements.

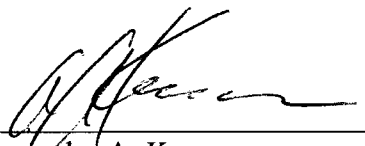
VII. APPROVALS

ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
NATIONAL OCEAN SERVICE

BY: 
Name: Daniel J. Basa
Title: Director
National Marine Sanctuary Program

DATE: 1/29/08

ACCEPTED AND APPROVED FOR THE
U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND
RENEWABLE ENERGY

BY: 
Name: Alexander A. Karsner
Title: Assistant Secretary
Energy Efficiency and Renewable Energy

DATE: 1/29/08